

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Daniel and Cheryl Smukowski have filed papers with the court requesting modification of the Chapter 13 Plan in the above case. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)** If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must also mail a copy to:

William H. Green
Green & Kapsos Law Offices, LLC
3216 S. 92nd Street
Suite # 201
Milwaukee, WI 53227
greenkapsos@gmail.com

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponents of this modification are:
the Debtors; Daniel and Cheryl Smukowski
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
() A. post-confirmation;
(x) B. pre-confirmation (Select i. or ii.);
(x) i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
() ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: All General Unsecured creditors
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Plan payments shall increase to \$470.00 per month. General unsecured creditors shall receive a pro rata share of at least \$15,300.00.
4. The reason(s) for the modification is/are: To meet the legal requirements for confirmation of the

plan.

5. Select A. or B.

() A. The Chapter 13 Plan confirmed or last modified on (date)
is modified as follows: *(State the specific language of the modification.)*

(x) B. The unconfirmed Chapter 13 Plan dated 3/2/2010 is modified as
follows: Plan payments shall be \$470.00 per month. General unsecured creditors shall receive a pro
rata share of at least \$15,300.00.

All remaining terms and provisions of the Plan are unaffected unless specifically
addressed herein. In the event of a conflict between the original Plan and the
modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES
THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND
PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF
THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

WHEREFORE, the Proponent requests that the court approve the modification
to the Chapter 13 Plan as stated herein.

Dated March 30, 2010 at Milwaukee, WI

Green & Kapsos Law Offices, LLC
Attorneys for debtor

By:

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